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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,353

11/18/2003

Munirpallam Appadorai Subramanian

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08/04/2004

E I DU PONT DE NEMOURS AND COMPANY  
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EXAMINER

DICKEY, THOMAS L

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/716,353

**Applicant(s)**SUBRAMANIAN, MUNIRPALLAM  
APPADORAI**Examiner**

Thomas L Dickey

**Art Unit**

2826

*Am*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/10/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath/declaration filed on 05/11/2004 is acceptable.

### ***Drawings***

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### ***Priority***

3. Acknowledgement is made of applicant's claim for domestic priority under 35 U.S.C. 119(e), through provisional application 60/427,407 filed 11/19/2002.

### ***Information Disclosure Statement***

4. The Information Disclosure Statement filed on 05/10/2004 has been considered.

### ***Claim Objections***

5. Claim 7-10, 12-15, and 17-20 are objected to because of the following informalities:

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A. Each of claims 7-10 refers to "the capacitor of claim 1." Claim 1 does not describe a capacitor. It is suggested that applicant intended claims 7-10 to refer to the capacitor of claim 6.

B. Each of claims 12-15 refers to "the electronic device of claim 1." Claim 1 does not describe an electronic device. It is suggested that applicant intended claims 12-15 to refer to the electronic device of claim 11.

C. Each of claims 17-20 refers to "the process of claim 1." Claim 1 does not describe a process. It is suggested that applicant intended claims 17-20 to refer to the process of claim 16.

Appropriate correction is required.

***Allowable Subject Matter***

6. Claims 1-20 are allowed over the references of record because none of these references disclosed or can be combined to yield the claimed invention such as a composition of the formula  $\text{EuCu}_3\text{M}_4\text{O}_{12}$  wherein M is selected from the group of Ge, Ti, Sn and mixtures thereof, as recited in claim 1, or a capacitor comprising said composition, as recited in claim 6, or an electronic device comprising said capacitor or a method for making said capacitor, as recited in claims 11 and 16 respectively.

McSweeney 4,309,295 and Masuyama et al. 4,545,929 both disclose compositions including among their constituent parts europium copper titanium and oxygen in a ratio of one to three to four to twelve. However each of these disclosed compositions further

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include additional elements. McSweeney's composition further includes large amounts of strontium, as well as extra oxygen bound up with said strontium, and at least some aluminum. Masuyama et al.'s composition also includes fairly large amounts of strontium, as well as extra oxygen bound up with said strontium, extra oxygen bound up with some europium, and at least some sodium.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

8. This application is in condition for allowance except for the following formal matters:

A. Drawing objections as per paragraph 2 above.

B. Claim informalities as per paragraph 5 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas L Dickey whose telephone number is 571-272-1913. The examiner can normally be reached on Monday-Thursday 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 703-308-6601. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**TLD**  
**07/2004**

  
**Minhloan Tran**  
**Primary Examiner**  
**Art Unit 2826**